IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.5 OF 1996

M/s.The State Biscuit and Chocolate Company Ltd. ..Petitioner.

V/s.

The Union of India & Ors. ..Respondents.

Mr.Mahesh Londhe wuith S.G.Udeshi for petitioner.

Mr.M.S.Karnik for respondent No.2.

CORAM : V.C.DAGA, J.

DATED : 10TH APRIL, 2006.

P.C. :-

Heard the learned counsel for the petitioner. This petition is pending for admission since January, 1996.

2. By an order dated 3/1/1996, this Court passed an order notice before admission returnable within three weeks. Interim relief as prayed was granted on furnishing bank guarantee in the sum of Rs.5 lacs by the petitioner within two weeks from the date of the order.

3. It appears that bank guarantee bearing G.No.13/95-96 dated 9/6/96 issued by the Bank of

Maharashtra for Rs.5 lacs was furnished. The life of said bank guarantee was till the finalisation of Writ Petition No.5/96 (the present petition) or 5 years, whichever was earlier. The life of the bank guarantee was thus for 5 years. Five years expired on 9th January, 2001. There is no material on record to show renewal of the bank guarantee. The learned counsel appearing for the petitioner has also no material to show that the bank guarantee has been renewed.

4. The petitioner has enjoyed the benefits of the interim order without keeping the bank guarantee alive. It was expected on the part of the petitioner to place the renewed bank guarantee on record since the petition was pending in this Court. Considering the non compliance of the condition of the interim relief, the petitioner is not entitled to invoke the writ jurisdiction of this Court.

5. Petition is, therefore, dismissed for not complying with the terms of the interim order with no order as to costs.

6. Needless to mention that with the dismissal of the petition, the interim relief automatically stands vacated.

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